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DE RUCNDT #0914 2972207  
ZNR UUUUU ZZH  
R 242207Z OCT 07  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC 2871  
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RUEHBR/AMEMBASSY BRASILIA 0876  
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E.O. 12958: N/A

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SUBJECT: UNGA/C-6:ARGUMENTS FOR AND AGAINST A CONVENTION ON  
DIPLOMATIC PROTECTION

¶1. During the October 19 debate on diplomatic protection the following delegations addressed the Sixth Committee: Canada (on behalf of CANZ), Norway (on behalf of Denmark, Sweden, Finland and Iceland), Portugal, Cuba, El Salvador, Guatemala, Venezuela, China, Poland, Mexico, Germany, Malaysia, Austria, South Africa, Japan, the United States, Kenya, Brazil, Greece, the Russian Federation, the United Kingdom, India, Iran and Ecuador (Note: Statements pouched to L-CID/Karen Kizer. End Note.)

¶2. The debate on diplomatic protection was focused on whether Member States should take more time to reflect upon the draft articles, or whether States should follow the recommendation of the International Law Commission and negotiate a convention. The main arguments in support of a convention were that codification of the articles would strengthen international law and extend diplomatic protection to refugees and stateless persons. India, Ecuador, the Russian Federation, Brazil, Kenya, Norway (on behalf of Denmark, Sweden, Finland and Iceland), Cuba and Portugal spoke in favor of a convention. On the other hand, several delegations expressed reservations about the utility of a convention at this time. The UK stated it would prefer to reflect upon the draft articles for a period of time and observe how the articles develop through their application in State practice and use in international courts and tribunals. Japan sounded a similar note and suggested the Sixth Committee return to the issue in 2012.

¶3. Background Note: The text on diplomatic protection consists of 19 articles, divided into four parts: general provisions, nationality, local remedies and miscellaneous provisions. The International Law Commission began work on the articles in 1997, noting that an instrument on diplomatic protection would compliment its work on State responsibility. The draft articles concern the rules governing the

conditions and circumstances in which diplomatic protection  
might be exercised. End Background Note.  
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